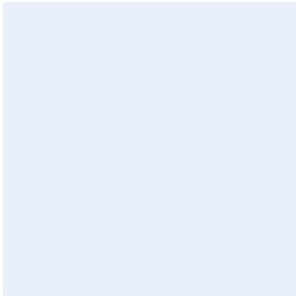


DATE 02/18/2021	U. S. Pretrial Services and Probation Office Northern District of Ohio		VIOLATION REPORT Warrant Request		PROB 12C (Rev. 11/2017)
NAME SAENZ-LUNA, Jesus R		FACTS 5020643		JUDGE CARR	DOCKET # 3:18CR00300-01
SENTENCE DATE 09/17/2018	SUPERVISION TYPE TSR	CRIMINAL HIST III	OFFENSE LEV 10	PHOTO 	
ASST. U.S. ATTORNEY Michael J. Freeman Michael.freeman2@usdoj.gov		DEFENSE ATTORNEY Neil S. McElroy Law.mcelroy@gmail.com			
REPORT PURPOSE JUDICIAL RESPONSE REQUESTED					
ORIGINAL OFFENSE Count 1: 8 U.S.C. §1326(a) and (b) – Unlawful Re-Entry after Deportation, a Class E felony.					
SENTENCE DISPOSITION Time Served, followed by 3 years supervised release.					
SPECIAL CONDITIONS 1. Deportation					
The probation officer believes that the offender has violated the following condition(s) of supervision:					
VIOLATION NUMBER/DATE 1.	NATURE OF NONCOMPLIANCE New Law Violation – On February 12, 2021, Mr. Saenz-Luna was arrested for domestic violence by the Phoenix Police Department.				
ADJUSTMENT TO SUPERVISION On September 17, 2018, Mr. Saenz-Luna was sentenced to time served for Unlawful Re-Entry after Deportation. On November 12, 2018, he was deported to Mexico. On February 12, 2021, Mr. Saenz-Luna was arrested by the Phoenix Police Department for domestic violence. The police report has been requested for further details. According to Supervising US Marshal Deputy, Alex Rutter, there was a positive hit through NCIC that matched his fingerprints through the FBI database when he was arrested. He is currently being held at the Maricopa County Jail and scheduled for an initial appearance on Tuesday, February 23, 2021. Plan of Action: At this time, a Warrant is being sought so that a violation hearing can be held to address the new law violation.					
Pursuant to <i>U.S. v. Booker</i> and <i>U.S. v. Fanfan</i> , the following United States Sentencing Guideline applications are being provided to the Court solely for advisory purposes. SENTENCING OPTIONS Statutory Provisions: If the person on supervision violates a condition of supervised release, the Court may extend the term of supervised release and may modify, reduce or enlarge the conditions, 18 U.S.C. § 3583(e)(2) or revoke the term of supervised release, 18 U.S.C. § 3583(e)(3), or place a person on supervision under electronic monitoring (only as a special condition), 18 U.S.C. 18 § 3583(e)(4).					

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<p>The PROTECT Act, which went into effect April 30, 2003, allows no adjustment for prison time for any previous revocation of supervised release. The permissible length of a new term of supervised release (TSR) is the authorized term of supervised release for the original offense minus the custody term imposed for any revocation. No credit is given for street time.</p> <p>If the Court finds that the person on supervision has violated a condition of supervised release and decides to impose a term of imprisonment, it must consider, but can disregard, the policy statements in effect on the date the person under supervision is sentenced, 18 U.S.C. § 3553(a)(4)(B) and impose a sentence of imprisonment up to the statutory maximum. The Statutory Maximum in this case is 1 years, as the offence conviction is a class E felony, 18 U.S.C. § 3583(e)(3).</p> <p>If the Court revokes supervised release and imposes a term of imprisonment that is less than the statutory maximum term of supervised release, it may pursuant to 18 U.S.C. § 3583(h), reimpose a term of supervised release. As the offense of conviction is a class E felony, the term of supervised release shall not exceed 1 years, 18 U.S.C. §3583(b)(3) less any term of imprisonment imposed upon revocation, 18 U.S.C. §3583(h).</p> <p>Guidelines Provisions: Application of policy statements found in Chapter 7 of the Guideline Manual result in a revocation range of imprisonment of 5 to 11 months, U.S.S.G.§ 7B1.4(a). The range of imprisonment is based on the most serious violation alleged being a Grade C violation, U.S.S.G. § 7B1.1(a)(3) and the person on supervision having a Criminal History Category of III, U.S.S.G. § 7B1.4, Application Note 1.</p> <p>If the Court revokes supervised release and imposes a term of imprisonment, it may reimpose up to 1 years of supervised release, less any term of imprisonment imposed upon revocation of supervised release, U.S.S.G. § 7B1.3(g)(2). A Violation Worksheet is attached.</p> <p>Pursuant to U.S.S.G. § 7 B1.3(a)(2), upon a finding of a Grade C violation, the Court may revoke, extend or modify the conditions of supervised release. Guideline 7B1.3(c) provides sentencing options for person's under supervisions who fall into Zones B and C of the sentencing table. Those options include sentences of imprisonment that include terms of supervised release with conditions that substitute community confinement or home detention pursuant to Guideline 5C1.1(c) or (d).</p> <p>This completes the text of the report. Proceed to the signature page.</p>				
I declare under penalty of perjury that the foregoing is true and correct. U.S. PRETRIAL SERVICES & PROBATION OFFICER /s/Lisa R. Surman 216.357.7370		DISTRIBUTION COURT CPO		
SUPERVISING U.S. PRETRIAL SERVICES & PROBATION OFFICER /s/Lisa R. Surman 216.357.7370		PROBATION ROUTING Data Entry Data Collections		

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RECOMMENDING TO THE COURT

- ☐ Supervision to be Continued
☒ To issue a Warrant
☐ To issue a Summons
☐ Follow-up report to an Emergency Warrant issued on .

THE COURT ORDERS:

- ☒ The issuance of a Warrant.
☐ The issuance of a Summons.
☐ The request is denied.
☐ Supervision to be Continued.
☐ The referral of this case to the Magistrate Judge as designated by the Clerk's Office to conduct the appropriate proceedings, except for sentencing, if sentencing is necessary. If a revocation hearing is required, the assigned Magistrate Judge is to conduct the hearing and then file a report and recommendation.

Magistrate Judge Assigned ____ Choose an item.

- ☐ Alternative Judicial Order (Please Specify)

s/James G. Carr

2/18/2021

Signature of Judicial Officer

Date